

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**KENNETH M. KANSKY,**  
Plaintiff,

v.

**COCA-COLA BOTTLING COMPANY OF NEW ENGLAND,  
COCA-COLA ENTERPRISES, INC.,  
COCA-COLA ENTERPRISES LONG TERM DISABILITY PLAN  
A/K/A CORE LTD BENEFITS,  
AND  
AETNA LIFE INSURANCE COMPANY,**  
Defendants.

**CIVIL ACTION No.**

**05-10908 DPW**

**LOCAL RULE 7.1(A)(2) CERTIFICATE**

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In accordance with Local Rule 7.1(A)(2), counsel for all defendants discussed with plaintiff's counsel whether plaintiff will: (a) voluntarily dismiss with prejudice Count IV of his complaint; and (b) withdraw and relinquish his demand for a jury trial. The parties have not yet been able to resolve their disagreement over these issues. The parties have discussed that the plaintiff may still elect to dismiss Count IV with prejudice and to withdraw the jury demand, and, if this occurs, the defendants will thereafter withdraw their motions to dismiss Count IV of the plaintiff's complaint and to strike the plaintiff's demand for a jury.

In the meantime, as no agreement that will resolve these issues has been reached and the time for filing responsive pleadings has arrived, the parties have discussed that the defendants shall proceed to file their motions to dismiss and to strike the jury demand.

Respectfully submitted,

The Defendants, by their attorneys,

**Date:** June 17, 2005



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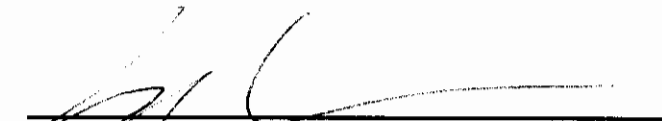
Stephen D. Rosenberg [BBO # 558415]  
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Local Rule 7.1(A)(2) Certificate** has been served upon all counsel of record by depositing a copy hereof in the U.S. Mail, postage prepaid, addressed to:

Bernard Kansky, Esq. *[Attorney for Plaintiff]*  
**Kansky & Associates**  
468 Commercial Street - #100  
Boston, MA 02109-1020

**DATED** this 7<sup>th</sup> day of June, 2005.

  
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